

DATE

Ms. Andrea Bryant  
121 Milford Drive  
Minden, LA 71055

**Re: Louisiana Board of Ethics Docket No. 2021-902  
Advisory Opinion**

Dear Ms. Bryant:

The Louisiana Board of Ethics, at its February 4, 2022 meeting, considered your request for an advisory opinion as to whether the Code of Governmental Ethics would prohibit you, a Child Welfare Supervisor in the Foster Care Program for the Department of Children and Family Services, from working part-time with Guardian Angels Place, LLC.

**FACTS PROVIDED**

You stated that you are currently employed with the Department of Children and Family Services ("DCFS") as a Child Welfare Supervisor in the Foster Care Program in Webster Parish. You stated that as a Child Welfare Supervisor, you supervise a unit of foster care caseworkers who assist parents and caretakers of children in DCFS custody. You stated you ensure caseworkers develop case plans that address safety, substance abuse, mental health and other concerns that brought the families to the attention of DCFS. You stated that you do not certify foster homes, as that responsibility falls to the DCFS Home Development Unit in Baton Rouge.

You stated that you would like to work part-time for Guardian Angels Place, LLC when you are not working for DCFS. Guardian Angels Place operates to certify foster homes for children who are in the custody of DCFS or the Office of Juvenile Justice, who are homeless and/or who have been exposed to sex trafficking. Guardian Angels Place would like to certify foster homes through a license issued by the Licensing Division of DCFS in Baton Rouge. Once licensed, Guardian Angels Place would certify foster homes through the DCFS Home Development Unit. Guardian Angels Place is a non-profit corporation that relies on grant funding and fundraising efforts to pay for its operations. Your job with Guardian Angels Place would be to review and certify the home studies of potential caretakers. This certification would then be submitted to the DCFS Home Development Unit.

**LAW**

**La. R.S. 42:1111C(2)(d)** prohibits a public servant and any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, from receiving any thing of economic value for services rendered from a person who has or is seeking to obtain contractual or

other business or financial relationships with the public servant's agency or who conducts operations or activities that are regulated by the public employee's agency.

**La. R.S. 42:1111C(1)(a)** prohibits a public servant from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

**La. R.S. 42:1102(2)(a)** defines "Agency" as a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. For purposes of this Chapter, "agency of the public servant" and "his agency" when used in reference to the agency of a public servant shall mean:

(i) For public servants in the twenty principal departments of the executive branch of state government, the office in which such public servant carries out his primary responsibilities; except that in the case of the secretary, deputy secretary, or undersecretary of any such department and officials carrying out the responsibilities of such department officers it shall mean the department in which he serves; and except that in the case of public servants who are members or employees of a board or commission or who provide staff assistance to a board or commission, it shall mean the board or commission.

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### ANALYSIS

Based on the information provided, your work with Guardian Angels Place in certifying foster homes would not be a responsibility or duty of your position as a DCFS Child Welfare Supervisor in the Foster Care Program. DCFS does certify foster homes; however, that task is the responsibility of the Home Development Unit, and does not involve your agency, the Child Welfare Section in Webster Parish. Your agency supervises caseworkers for the Foster Care Program in Webster Parish, and it does not certify foster homes. Therefore, your employment with Guardian Angels would not be prohibited by La. R.S. 42:1111C(1)(a). Finally, since Guardian Angels Place's activities are certified and regulated by DCFS Licensing Division and Home Development Unit, both of which are not part of your agency, the Child Welfare Section in Webster Parish, La. R.S. 42:1111C(2)(d) does not prohibit your employment with Guardian Angels Place.

### CONCLUSION

The Board concluded, and instructed me to inform you, that La. R.S. 42:1111C(1)(a) and 42:1111C(2)(d) of the Code of Governmental Ethics would not prohibit you from accepting employment to certify foster homes for Guardian Angels Place, because that is not a responsibility of your position as a DCFS Child Welfare Supervisor in the Foster Care Program and it does not have any relationship with the Child Welfare Section in Webster Parish.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Louisiana Board of Ethics issues no opinion as to past conduct or as to laws other than

the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600. Sincerely,

**LOUISIANA BOARD OF ETHICS**

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Gregory L. Thibodeaux  
For the Board

**DISCLAIMER**  
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.  
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.